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15 ALLERGAN USA, INC. and
ALLERGAN INDUSTRIE, SAS

16 UNITED STATES DISTRICT COURT

17 CENTRAL DISTRICT OF CALIFORNIA

18 ALLERGAN USA, INC. and
19 ALLERGAN INDUSTRIE, SAS,

20 Plaintiffs,

21 v.

22 MEDICIS AESTHETICS, INC.,
MEDICIS PHARMACEUTICAL CORP.,
23 VALEANT PHARMACEUTICALS
NORTH AMERICA LLC,
24 VALEANT PHARMACEUTICALS
INTERNATIONAL, VALEANT
25 PHARMACEUTICALS
INTERNATIONAL, INC., AND
26 GALDERMA LABORATORIES, L.P.

27 Defendants.

Case No. SACV13-01436 AG (JPRx)

**DECLARATION OF CRAIG E.
COUNTRYMAN IN SUPPORT OF
PLAINTIFFS' MEMORANDUM IN
SUPPORT OF THEIR MOTION TO
STRIKE**

28 DECLARATION OF CRAIG E. COUNTRYMAN IN
SUPPORT OF PLAINTIFFS' MEMORANDUM IN
SUPPORT OF THEIR MOTION TO STRIKE
Case No. 8:13-cv-01436-AG-JPR

1 I, Craig E. Countryman, declare as follows:

2 1. I am an attorney at Fish & Richardson P.C., and have been admitted in
3 the above-captioned litigation as counsel for Plaintiffs Allergan USA, Inc., and
4 Allergan Industrie, SAS (“Allergan”).

5 2. Attached hereto as Exhibit 1 is a true and correct copy of Defendants’
6 Final Invalidity Contentions, served February 17, 2015.

7 3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from
8 Defendants’ ’475 Patent Obviousness Claim Chart from their Final Invalidity
9 Contentions, served February 17, 2015.

10 4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from
11 the Expert Report of Glenn D. Prestwich, Ph.D. (and some of the exhibits to that
12 report), dated February 17, 2015.

13 5. Attached hereto as Exhibit 4 is a true and correct copy of Beasley, et
14 al., *Hyaluronic Acid Fillers: A Comprehensive Review*, Facial Plastic Surg 2009;
15 25(2):86-94, bearing production numbers of VAL0059968-59976.

16 6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from
17 the Rebuttal Report of Mark S. Nestor, M.D., Ph.D., dated March 23, 2015.

18 7. Attached hereto as Exhibit 6 is a true and correct copy of *Lidocaine*
19 *combined with dermal beauty fillers reduces injection discomfort*, available at
20 [http://www.news-medical.net/news/20090831/Lidocaine-combined-with-dermal-](http://www.news-medical.net/news/20090831/Lidocaine-combined-with-dermal-beauty-fillers-reduces-injection-discomfort.aspx)
21 [beauty-fillers-reduces-injection-discomfort.aspx](http://www.news-medical.net/news/20090831/Lidocaine-combined-with-dermal-beauty-fillers-reduces-injection-discomfort.aspx).

22 8. Attached hereto as Exhibit 7 is a true and correct copy of email
23 correspondence between Plaintiffs’ counsel and Defendants’ counsel, dated March
24 25-26, 2015.

25 9. Attached hereto as Exhibit 8 is a true and correct copy of Plaintiffs’
26 Responses and Objections to Defendants’ First Set of Requests for Admission to
27

Plaintiffs' Allergan USA, Inc. and Allergan Industrie, SAS (Nos. 1-11), served February 17, 2015.

10. Attached hereto as Exhibit 9 is a true and correct copy of correspondence from Defendants' counsel to Plaintiffs' counsel, dated April 2, 2015.

11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the laboratory notebook of Samuel Moliard, bearing bates numbers AGNHA T00188334 and AGNHA T00188451.

12. Attached hereto as Exhibit 11 is a true and correct copy of Plaintiffs' First Supplemental Responses and Objections to Defendants' Interrogatory No. 3, served January 6, 2015.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed on May 4, 2015 at San Diego, California.

FISH & RICHARDSON P.C.

By: /s/ Craig E. Countryman
Craig E. Countryman

Attorneys for Plaintiffs
ALLERGAN USA, INC. AND
ALLERGAN INDUSTRIE, SAS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on May 4, 2014 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

/s/ *Craig E. Countryman*
Craig E. Countryman